

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

July 8, 2010

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF#10MD-098

Maui

Issuance of Revocable Permit to Hawaii Explosives & Pyrotechnics, Inc. for Aerial Fireworks Display, Honolua, Lahaina, Maui, Tax Map Key:(2) 4-2-004: seaward of 015.

APPLICANT:

Hawaii Explosives & Pyrotechnics, Inc. whose business and mailing address is P.O. Box 1244, Keaau, Hawaii 96749.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Honolua, Lahaina, Maui identified by Tax Map Key: (2) 4-2-004: seaward of 015, as shown on the attached Tax map labeled Exhibit (A). Also, refer to the attached overview map of the subject area, which was provided by Hawaii Explosives & Pyrotechnics, Inc. labeled Exhibit (B).

AREA:

1,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State constitution: YES ☐ NO ☒

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Aerial Fireworks Display

TERM:

From 10:00 a.m. to 11:45 p.m. on July 14, 2010.

RENTAL:

\$100.00 (Rental based on \$.10 per square feet per day). Total area of requested use is 1,000 square feet.

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u>  </u>
Registered business name confirmed:	YES <u>x</u>	NO <u>  </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u>  </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for fireworks display in the past.

After discussion about different types of commercial activities and any associated

requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

No comments were solicited from government or community agencies.

Hawaii Explosives & Pyrotechnics, Inc. is requesting a right-of-entry permit for the Prudential Fireworks Display. The event is scheduled for July 14, 2010. Set up will start at 10:00 a.m. and breakdown by 11:45 p.m. The fireworks display will be for approximately 3 to 5 minutes.

The proposed activity is of a similar type and scope of fireworks display activities that historically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Based on discussion with Mr. Clifford Naeole, Cultural Advisor for The Ritz-Carlton, Kapalua Hotel, staff is recommending the following conditions must be complied with to prevent any potential negative impacts to the nearby Honokahua Preservation Site:


1. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by the Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
2. Hawaii Explosives & Pyrotechnics, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
3. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.

RECOMMENDATION: That the Board:

1. Authorize the issuance of a revocable permit to Hawaii Explosives & Pyrotechnics, Inc. covering the subject area for aerial fireworks display purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. There will be no entry or trespass onto the Honokahua Preservation Site at any time by the fireworks staff members and/or guests. Security will be provided by The Ritz-Carlton Hotel at the preservation site to prevent any unauthorized uses of the area.
- c. Hawaii Explosives & Pyrotechnics, Inc. will set up their control boxes on the Honolua side (north end) of The Beach House Restaurant and D.T. Fleming Beach, thus steering clear of the Honokahua Preservation Site.
- d. If any fallout/debris from the fireworks display should make it to the Honokahua Preservation Site, it will be cleared at the start of the next day by The Ritz-Carlton, Kapalua Hotel's maintenance staff. Presently the hotel maintenance staff is responsible for landscaping and caring for the entire preservation site.
- e. Review and approval by the Department of the Attorney General; and
- f. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
for Larry Pacheco  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson



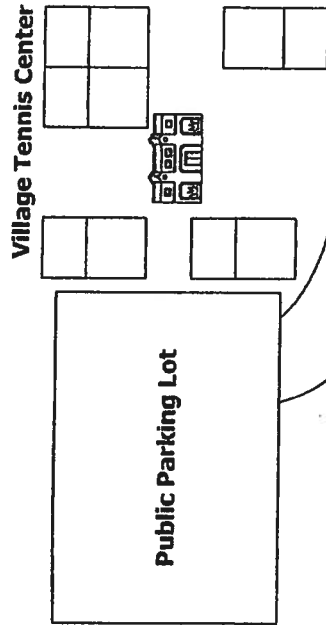
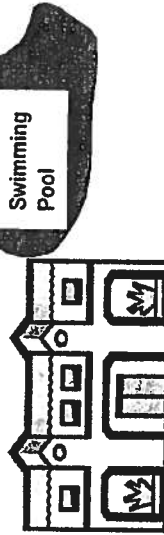
**Display Firing Site Location Map**  
**Prudential Fireworks Display**

**Display Date:** Wednesday, July 14, 2010

**Display Location:** Beach area adjacent to Beach House Lawn  
 fronting Fleming's Beach Park

**Firing Time:**  
 to be determined

# Ritz Carlton Kapalua Hotel



Honokahua  
 Preservation  
 Site

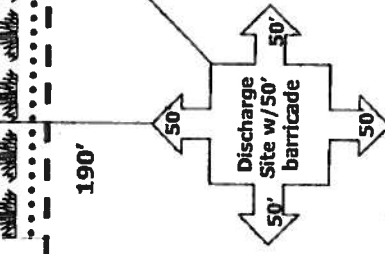
Fleming  
 Beach Park

Beach House Lawn

Spectators

Beach House  
 Restaurant

Sand Line



3" largest diameter shell- Minimum  
 distance required with 1/3 offset is 187'  
 Mortars angled toward ocean 30°

*Stephanie Pascual*  
 Stephanie Pascual - COF# 0-363

*Benjamin Pascual*  
 Benjamin Pascual - COF# 0-323

**Legend:**  
 S = Security  
 FX = Fire Extinguisher





**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
LAND DIVISION**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

July 8, 2010

**EXEMPTION NOTIFICATION**

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

**Project Title:** Issuance of Revocable Permit to Hawaii Explosives and Pyrotechnics, Inc. for Aerial Fireworks Display, Honolua, Lahaina, Maui, TMK (2) 4-2-004:015 (seaward).

**Project / Reference No.:** 10MD-098

**Project Location:** Honolua, Lahaina, Maui

**Project Description:** Revocable permit for fireworks display

**Chap. 343 Trigger(s):** Use of state lands, conservation district.

**Exemption Class No.:** In accordance with Hawaii Administrative Rules, Section 11-200-8(A), the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.4, that states: "Minor alterations in the conditions of land, water, or vegetation."

**Consulted Parties:** The Office of Conservation and Coastal Lands was consulted as a source authority having jurisdiction or expertise in this matter, and concurs that the exemption identified above is applicable to and appropriate for the proposed project.

**Exemption Item Description  
from Agency Exemption List:** N/A

This exemption is appropriate because the fireworks aerial display to be allowed under the revocable permit is a one-time event that is common in nature. As this is not part of a multi-phase project, the activity conducted will not result in a significant, cumulative impact as such displays conducted in the past have not been known to result in any adverse environmental impacts.

Exemption Notification for Revocable Permit for Aerial Fireworks

July 8, 2010

Page 2

Recommendation:

The Board is recommended to find that it is anticipated that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

---

Laura H. Thielen, Chairperson

---

Date